

RECEIVED  
CENTRAL FAX CENTER

DEC 21 2005

**Canon**

**FACSIMILE COVER SHEET**

**TO:** United States Patent and Trademark Office  
Art Unit: 2825  
Examiner: Dinh, Paul  
Fax: (571) 273-8300

**FROM:** Michael Nornberg  
c/o Canon U.S.A. Inc. Intellectual Property Division  
15975 Alton Parkway, Irvine CA. 92618-3731  
(949) 932-3441 Facsimile: (949) 932-3560

**DATE:** December 21, 2005  
**NO. OF PAGES:** 4 (including cover page)

**MESSAGE**

Please see attached Response to Restriction Requirement for Application No. 10/702,171.

This facsimile message and accompanying documents are intended only for the use of the addressee indicated above. Information that is privileged or otherwise confidential may be contained therein. If you are not the intended recipient, you are hereby notified that any dissemination, review or use of this message, documents or information contained therein is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or facsimile and mail the original to us at the above address. Thank you.

DEC 21 2005

PTO/SB/21 (09-04)

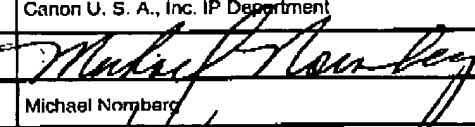
Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/702.171
	Filing Date	11/4/2003
	First Named Inventor	Masakazu Matsugu
	Art Unit	2825
	Examiner Name	Dinh, Paul
Total Number of Pages in This Submission	Attorney Docket Number	CFA00017US


ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <i>Restriction Requirement</i> <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <span style="border: 1px solid black; display: inline-block; width: 100px; height: 1.2em; vertical-align: middle;"></span>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Canon U. S. A., Inc. IP Department		
Signature			
Printed name	Michael Nomberg		
Date	12/21/05	Reg. No.	46,502

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Chi Lal	Date	12/21/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application No.: 10/702,171  
Attorney Docket No.: CFA00017US

RECEIVED  
CENTRAL FAX CENTER

DEC 21 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Matsugu et al.	)	Confirmation No.:	7310
		)		
Serial No.:	10/863,095	)	Art Unit:	2825
		)		
Filed:	November 4, 2003	)	Examiner:	Dinh,
		)		Paul
For:	HIERARCHICAL	)		
	PROCESSING APPARATUS	)		
		)		

ELECTION WITH TRAVERSE

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

In response to the Examiner's Election of Species Requirement of November 22, 2005, the time set for response being one month from the mailing date from the U.S.P.T.O. (i.e. December 22, 2005), Applicant hereby elects, with traverse, Species I. Applicant notes that Claims 1-12 are readable on the elected species. The above election is made with traverse for the reasons discussed herein below.

In the subject Restriction Requirement, the Examiner submits that the instant application contains claims directed to numerous patentably distinct species of the claimed invention. In particular, the Examiner contends that the subject application contains eight (I through VIII) patentably distinct species corresponding to each of the eight embodiments presented in the specification. As a result, the Examiner has required an election of one of the aforementioned purported species.

Application No.: 10/702,171  
Attorney Docket No.: CFA00017US

Applicant respectfully submits that the Examiner has omitted one of two criteria for a proper restriction requirement established by the U.S.P.T.O. as a matter of policy. That is, as set forth in MPEP § 803, an "appropriate explanation" as to the existence of "serious burden" if the restriction were not required.

While the Examiner has alleged a possible distinction between the identified species, the Examiner has not shown that a concurrent examination of species would present a "serious burden". Applicant respectfully submits that the search for the combination of features recited in the claims of the individual species, if not totally co-extensive, would appear to have a substantial degree of overlap. Therefore, because the search for each species appears to be substantially the same, Applicant submits that no undue or serious burden would be presented in concurrently examining Species I through VIII. Thus, for the above-noted reasons, and consistent with the office policy set forth above in MPEP § 803, Applicant respectfully request that the Examiner reconsider and withdraw the species requirement in this application.

For the reasons discussed above, the Examiner's restriction requirement is believed to be improper. Nevertheless, Applicant has elected, with traverse, the invention defined as Species I, which is directed to Claims 1-12.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

If any additional fee is required, please charge Deposit Account No. 502456.

Respectfully submitted,  
Date: 12/21/05 By: Michael D. Nornberg  
Michael D. Nornberg  
Reg. No. 46,502  
Canon U.S.A. Inc.; IP Div.  
15975 Alton Parkway  
Irvine, CA 92618-3731  
(949) 932-3441